



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

C.M.P. (MD) .No.3250 of 2017
IN
W.A. [MD] . (SR)No.14292 of 2017

V.Kaliappan : Petitioner/ Appellant sought
to prefer WA(MD) SR 14292/17
Vs.

1.S.Murugan,

2.The General Manager(Administration),
(District Revenue Officer)
Tamil Nadu Arasu Cable TV Corporation Ltd.,
11/22, Mangkadusamy Street,
Nungambakkam, Chennai-600 034.

3.The Post Master,
Head Post Office,
Tenkasi, Tirunelveli District.

4.The Deputy Manager/Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Tirunelveli District. : Respondents

Prayer in C.M.P. (MD) .No.3250 of 2017:- Petition filed under Section 151 of CPC, to grant leave to the petitioner to file Writ Appeal as against the order dated 31.01.2017 made in W.P(MD). No.1445 of 2017.

Prayer in W.A(MD)SR.No.14292 of 2017:- Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 31.01.2017 made in W.P(MD).No.1445 of 2017, on the file of this Court praying to issue a Writ or Order or Direction or in the nature of Writ of Mandamus directing the 3rd Respondent to make an enquiry as per the direction of the 1st Respondent by his letter dated 24.12.2016 in No.DMS/8778/2016 and consequently direct the 1st Respondent to issue license of Local Cable Operator within a time stipulated by this Hon'ble Court.



For Petitioner : Mr.B.Prasanna Vinoth
For Respondent Nos.2 & 4 : Mr.S.Satheesh Kumar,
Additional Government Pleader
For Respondent Nos.1 & 3 : No Appearance.

ORDER

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[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.B.Prasanna Vinoth, learned counsel appearing for the petitioner and Mr.S.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 2 and 4.

2.This Miscellaneous Petition has been filed seeking Leave to file Writ Appeal against the order dated 31.01.2017 made in W.P (MD).No.1445 of 2017.

3.The said Writ Petition was filed by the first respondent herein seeking a direction to conduct an enquiry, in terms of the proceedings of the second respondent, dated 24.12.2016. The Writ Petition was disposed of only with a direction to the fourth respondent herein to conduct an enquiry and send a report to the second respondent herein, who was directed to pass orders on merits and in accordance with law.

4.The case of the petitioner is that he has obtained an order of interim injunction in W.P.[MD]No.23702 of 2016, dated 07.12.2016, wherein the Writ Court, following an earlier order, directed the Tamil Nadu Arasu Cable TV Corporation Limited not to allow any LCO to supply signals to the subscribers in the list submitted by the existing Local Cable TV Operators and the said Writ Petition is pending.

5. In our considered view, the Writ Court has not issued any positive direction and all that has been directed to be done by the fourth respondent herein is to conduct an enquiry and submit a report to the second respondent herein.

6.In the light of the fact that the petitioner has obtained an order of interim injunction from the Writ Court, we feel that the interest of the petitioner would be protected, if notice is issued to the petitioner also, while conducting enquiry and during the enquiry, it is open to the petitioner to produce all the documents in support of his claim, including the interim order passed in the other Writ Petition filed by him.

7. Accordingly, this Miscellaneous Petition is disposed of, by directing the fourth respondent herein to issue notice to the petitioner as well as the first respondent herein, consider the documents placed before him, conduct an enquiry and then submit a report to the second respondent herein.



8. The present Miscellaneous Petition is disposed of on the above terms. Consequently, connected W.A.[MD].(SR)No.14292 of 2017 stands closed. No costs.

Sd/-

Assistant Registrar (C)

/True copy/

Sub Assistant Registrar

To

1.The General Manager(Administration),
(District Revenue Officer)
Tamil Nadu Arasu Cable TV Corporation Ltd.,
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2.The Post Master,
Head Post Office,
Tenkasi, Tirunelveli District.

3.The Deputy Manager/Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Tirunelveli District.

NB/MYR

PSM/MMS/05.05.2017/3P/4C

ORDER MADE IN
C.M.P. (MD) .No.3250 of 2017
IN
W.A. [MD] . (SR)No.14292 of 2017
20.04.2017